

## REMARKS/ARGUMENTS

In the Office Action dated May 5, 2009, pending Claims 1–12 and 14–21 were rejected. Claim 13 was canceled previously. The Office Action rejected Claims 1–3, 6, 9–12, 14–16, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,587,675 to Riddiford in view of U.S. Patent No. 6,332,024 to Inoue et al (“Inoue”). Claims 4 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riddiford in view of Inoue and further in view of U.S. Patent No. 6,006,087 to Amin. Claims 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riddiford in view of Inoue and further in view of U.S. Patent No. 7,236,772 to Botzas. Claims 7 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riddiford in view of Inoue and further in view of U.S. Patent No. 6,516,202 to Hawkins et al. Claims 8 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riddiford in view of Inoue and further in view of U.S. Patent No. 6,519,475 to Kim. Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application in light of the remarks and arguments below.

### **Claimed Invention**

Independent Claim 1 recites a device including a body, a cover, and keys accessible when the cover is in a closed position, where one of the keys is multifunctional and in a position remote from all other keys. The function of the multifunctional key is dependent upon the state of the device, and for at least one state of the device operation of the multifunctional key controls the provision of information on the display. The multifunctional key is located on the cover and is arranged to be active when the cover is in the closed position and inactive when the cover is in the open position. Claims 2–12 and 14 depend from Claim 1.

Independent Claim 15 recites a device similar to Claim 1, but recites that the multifunctional button is the only key on the cover of the device. Claims 16–21 depend from Claim 15.

**Rejections under 35 U.S.C. § 103(a)**

Independent Claims 1 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riddiford in view of Inoue. The Riddiford patent discloses a combined computer and communications apparatus having a two-part casing that when folded together can act as a mobile phone and when unfolded can act as a palmtop computer. Riddiford, Abstract. In one embodiment, the casing portion 1 includes multiple keys 12 and an aperture 11 for use when the apparatus is being used as a mobile telephone, as shown in Fig. 1. Col. 3, lines 46–49. In another embodiment, shown in Fig. 5, the casing portion 1 includes four keys 40, 41, 42, 43 in proximity to each other functioning as SEND and END buttons 40, 41 and scroll down and up buttons 42, 43. Col. 4, lines 39–43.

The Inoue patent discloses a mobile telephone 1 with an LCD display screen 2 on the case of the telephone 1 and a main soft key 3 located below the display screen 2. Inoue, Fig. 1; col. 5, lines 1–8. Auxiliary soft keys 4A, 4B are also included, “located on the two sides of the main soft key 3 respectively as operation keys.” Col. 5, lines 8–11. A flip 9 is attached to the lower section of the case such that it covers a ten-key and power/confirm key group 5 when the flip 9 is in the closed position. Col. 5, lines 43–45. In this way, the main soft key 3 and auxiliary soft keys 4A, 4B are visible all the time, regardless of the position of the flip 9. Col. 5, lines 45–56.

1. Neither Riddiford nor Inoue teaches or suggests “one of said keys being multifunctional and being in a position remote from all other keys,” as recited in Claim 1.

The Office Action states on page 2, paragraph 3, that Riddiford discloses a device comprising “keys 12 and 40-43 (Fig. 1 and 5) accessible when the cover in [sic] closed position, one of the said [sic] keys being in a position remote from all other keys 12 and 40-43 (Fig. 1 and 5, col. 3, line 34 to col. 4, line 52).” Applicant respectfully disagrees.

As a preliminary matter, the Office Action provides no support for the assertion that Riddiford discloses a device in which one of the keys is in a position remote from all other keys. Although the Office Action notes that “all other keys” are keys 12 and 40, 41, 42, 43, there is no indication as to which single key is remote from all other keys. Rather, the Office Action cites

the entire Description of the Riddiford patent—col. 3, line 34 through col. 4, line 52—as providing support for the assertion.

Notwithstanding the above, Riddiford does not teach or suggest that one of the keys is in a position remote from all other keys. In fact, implicit in the Office Action's own statement ("all other keys 12 and 40-43") is the fact that there are no remaining keys mentioned in Riddiford that could be considered the "one of the keys" that is "in a position remote from all other keys 12 and 40-43." In contrast, in both the embodiments of Fig. 1 and Fig. 5, the keys are grouped together. Keys **12** are part of "a numeric and function button keypad" with the keys arranged one next to the other in rows as clearly shown in Fig. 1, and keys **40, 41, 42, 43** are arranged as shown in Fig. 5 in a cross configuration, with each key adjacent at least two other keys. Riddiford, col. 3, lines 48–49; Figs. 1 and 5.

Furthermore, there is no teaching or suggestion in Riddiford that would lead one skilled in the art to re-configure the keys so that one of the keys is remote from all the other keys. In fact, Riddiford teaches away from such a modification. In this regard, it would be contrary to the invention of Riddiford to remove one of the keys **12** from the keypad configuration shown in Fig. 1, as Riddiford notes that "casing portions **1** and **2** are folded together and the apparatus assumes the configuration shown in Figs. 1 and 4. As can be seen, this resembles a standard mobile telephone unit." Col. 4, lines 32–35. Regarding the configuration of Fig. 5, Riddiford teaches that the four buttons include two pairs of buttons having complementary functions: SEND and END buttons **40, 41**, and scroll down and scroll up buttons **42, 43**. Col. 4, lines 42-43. Thus, it would not make sense to destroy the configuration shown in Fig. 5 by placing any one of the complementary pairs of buttons in a position remote from the other buttons. Accordingly, Riddiford does not teach or suggest "one of said keys being multifunctional and being in a position remote from all other keys," as recited in Claim 1.

Similarly, Inoue also does not teach or suggest a multifunctional key that is "in a position remote from all other keys," as recited by Claim 1. Rather, the figures and disclosure of Inoue describe the main soft key **3** as being positioned between the first auxiliary soft key **4A** and the second auxiliary soft key **4B**, as well as proximate the key group **5**. Inoue, Figs. 1A, 4-9, 10A, 13, and 14; col. 5, lines 8–11. In another embodiment, a single roller soft key **31** is provided that

includes a main soft key section **31C**, a first auxiliary soft key section **31A**, and a second auxiliary soft key section **31B** that can be actuated to realize the functions of the main soft key **3**, the first auxiliary soft key **4A**, and the second auxiliary soft key **4B**. Figs. 16–17; col. 18, lines 46–61. Even the single roller soft key **31** is not remote from other keys as it is near the keys in the key group **5** and thus is not “remote from all other keys.” Fig. 16.

Accordingly, neither Riddiford nor Inoue teaches or suggests “one of said keys being multifunctional and being in a position remote from all other keys,” as recited in Claim 1.

2. Neither Riddiford nor Inoue teaches or suggests “one of said keys being multifunctional and being the only key disposed on a first surface of the cover,” as recited in Claim 15.

With respect to Claim 15, the Office Action asserts on page 5 that Riddiford discloses “one of said keys being the only key disposed on a first surface of the cover.” The Office Action again cites the entire Description provided in the Riddiford patent as support for the assertion; however, it is clear from Figs. 1 and 2 (referenced by the Office Action) that there are multiple keys 12 on casing portion 1. The depiction of fifteen (15) keys **12** in Fig. 1 is directly contrary to the assertion of the Office Action of “one of said keys being the only key disposed on a first surface of the cover.” (Emphasis added.) Likewise, there is an even greater number of keys represented in keyboard **5** and function buttons **6** on casing portions **1, 2** shown in Fig. 2. There is no teaching or suggestion in Riddiford that contradicts the embodiments shown in Figs. 1 and 2 or otherwise supports the assertion of the Office Action. Accordingly, Riddiford does not teach or suggest “one of said keys being multifunctional and being the only key disposed on a first surface of the cover,” as recited in Claim 15.

Likewise, Inoue does not teach or suggest “one of said keys being multifunctional and being the only key disposed on a first surface of the cover,” as recited in Claim 15. Rather, none of the soft keys **3**, **4A**, **4B**, or **31** taught by Inoue are located on the flip **9**. In addition, Inoue teaches away from including a soft key **3**, **4A**, **4B**, or **31** on the flip **9**. This is because positioning the keys **3**, **4A**, **4B**, or **31** on the flip **9** would render the keys inaccessible when the flip **9** is opened, and Inoue explicitly states that having the keys “visible all the time . . . allows the usability for a user to significantly be improved.” Inoue, col. 5, lines 54–56. The only key

that is shown on the flip 9 of Inoue is an information key 21, which is not a multifunctional key as it functions solely to make “a connection to the Internet.” Fig 10B, col. 15, lines 37–39.

Thus, neither Riddiford nor Inoue teaches or suggests “one of said keys being multifunctional and being the only key disposed on a first surface of the cover,” as recited in Claim 15.

3. Riddiford does not teach or suggest “the function of the key is dependent upon the state of the device,” as recited in Claims 1 and 15.

The Office Action also asserts that Riddiford discloses a device in which “the function of the key is dependent upon the state of the device” and once again invokes the entire Description provided in Riddiford as support for the assertion. Applicant respectfully disagrees.

Riddiford is silent as to the function of the keys being dependent upon the state of the device. Rather, the disclosure in Riddiford only states that the keys 12 and 40, 41, 42, 43 are for use or accessible for mobile telephone operation. The fact that the keys are intended to be used by a user when the device is configured for mobile telephone operation does not necessarily mean that they do not function in the same way when the device is used as a palmtop computer. In other words, there is no indication in Riddiford as to what would happen if the user were to actuate the keys 12 or 40, 41, 42, 43 (intentionally or accidentally) while the device was configured for use as a palmtop computer. Thus, Riddiford does not teach or suggest “the function of the key is dependent upon the state of the device.”

4. Amin, Botzas, Hawkins, and Kim do not cure the deficiencies of Riddiford.

In addition, none of the other references cited in the Office Action (Amin, Botzas, Hawkins, or Kim) cure the deficiencies of Riddiford and Inoue. In particular, none of the cited references, when taken alone or in combination, teach or suggest “one of said keys being multifunctional and being in a position remote from all other keys,” as recited in Claim 1, or “one of said keys being multifunctional and being the only key disposed on a first surface of the cover,” as recited in Claim 15.

Claims 2–12, 14, and 16–21 depend either directly or indirectly from a respective one of independent Claims 1 and 15 and, as such, include all the recitations of their respective

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independent claims. The dependent Claims 2–12, 14, and 16–21 are therefore patentably distinct from Riddiford, Inoue, and the other cited references for at least the same reasons provided above for independent Claims 1 and 15.

Accordingly, for at least the reasons stated above, Applicant respectfully submits that the rejections of Claims 1–12 and 14–21 should be reversed.

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### CONCLUSION

In view of the remarks and amendments presented above, it is respectfully submitted that Claims 1 and 15 and all the claims depending therefrom (*i.e.*, Claims 2–12, 14, 16–21) are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Michele M. Glessner  
Registration No. 58,713

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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